

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.29263 of 2007
BADRUDOZA @ MASUM @ MASOOM
Versus
STATE OF BIHAR

5 8.5.2008 Heard Counsel for the petitioner and the A.P.P.
representing the State.

This is a case for offences under Section 364A of the
Indian Penal Code wherein the victim boy is still traceless.

Counsel for the petitioner submits that as a matter of
fact, there is no evidence against him in the entire case
diary and that the complicity is only on account of
suspicion made by the police.

On the other hand, Mr. Chaubey, learned A.P.P. has
placed statement in paragraph no. 133 of the case diary
containing the statement of the father of the victim boy
wherein it has come that the petitioner was an active
accomplice of Haidar Ali who was the main person in the
alleged occurrence of kidnapping of the son of the
Informant. There are at least five criminal cases pending
against the petitioner which goes to show that the petitioner
has criminal antecedent.

The petitioner is in custody in this case since
10.1.2007 and therefore, this Court at this stage, when the
commitment has also not been made, is not inclined to
grant bail to the petitioner.

The Trial Court is directed to ensure that the commitment of this case is made as early as possible and the trial thereafter is also taken up so as to ensure that the same is concluded within a period of 1 ½ years. In the event the trial is not concluded within the aforesaid period, the petitioner will first move the Trial Court for bail and the Trial Court will give reason as to why the trial has not been concluded in the aforesaid period and thereafter, the petitioner may move this Court for bail.

The original case diary which was received in connection with this case must be sent back immediately back to the Trial Court.

Rsh

(Mihir Kumar Jha, J.)

